

HOUSE No. 1283

By Mr. Bassett of Lynn, petition of Timothy A. Bassett and Sandra Graham for legislation to facilitate donations of food to non-profit organizations. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT TO FACILITATE DONATIONS OF FOOD TO NON-PROFIT ORGANIZATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. For the purpose of this act the following defini-
2 tions shall apply:

3 "Donor" includes, but is not limited to, any farmer, processor,
4 distributor, wholesaler, or retailer of perishable or nonperishable
5 food.

6 "Perishable food" means any food that may spoil or otherwise
7 become unfit for human consumption because of its nature, type of
8 physical condition. "Perishable food" shall include, but not be
9 limited to, fresh or processed meats, poultry, seafood, dairy pro-
10 ducts, bakery products, eggs in the shell, fresh fruits or vegetables,
11 and foods that have been packaged, refrigerated or frozen.

12 "Perishable food" does not include food which has been canned.

13 "Gleaner" means any person who harvests for free distribution
14 perishable food that has been donated by the owner.

1 SECTION 2. Notwithstanding the provisions of any general or
2 special law to the contrary, the good faith donors of any canned or
3 nonperishable food, apparently fit for human consumption, to a
4 charitable or nonprofit organization for free distribution or gleaners
5 of any canned or perishable food apparently fit for human con-

6 sumption, shall not be subject to criminal penalty or civil damages
7 arising from the condition of the food unless an injury is caused by
8 the gross negligence, recklessness or intentional misconduct of the
9 donors or gleaners.

10 Notwithstanding the provisions of any general or special law to
11 the contrary, a charitable or nonprofit organization which in good
12 faith receives food, apparently fit for human consumption and uses
13 or distributes it at no charge, shall not be subject to criminal
14 penalty or civil damages resulting from the condition of the food
15 unless an injury results from the gross negligence, recklessness or
16 intentional misconduct of the organization.

17 This section includes the donation of canned or nonperishable
18 food not readily marketable due to appearance, freshness, grade,
19 surplus or other considerations but shall not be deemed or
20 construed to restrict the authority of any lawful agency to other-
21 wise regulate or ban the use of such food for human consumption.